

D8/6/19

# REPORT

TO BE RETURNED TO  
CHIEF MEDICAL OFFICER,  
AS SOON AS PRACTICABLE.

FROM THE

## SELECT COMMITTEE

ON

# PATENT MEDICINES.

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*Ordered, by The House of Commons, to be Printed,  
4th August, 1914.*

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1914.



# ORDER OF REFERENCE.

[Wednesday, 10th June, 1914]:—Patent Medicines,—*Ordered*, That a Select Committee be appointed to consider and inquire into the question of the sale of Patent and Proprietary Medicines and medical preparations and appliances, and advertisements relating thereto, and to report what amendments, if any, in the Law are necessary or desirable.

Committee accordingly nominated of,—Mr. Charles Bathurst, Mr. Cawley, Dr. Chapple, Sir Henry Dalziel, Mr. Hayden, Mr. Ingleby, Mr. Glyn-Jones, Mr. Haydn Jones, Mr. Lawson, Mr. Lynch, Sir Philip Magnus, Mr. Newton, Sir Henry Norman, Mr. O'Grady and Mr. Hill-Wood.

*Ordered*, That the Committee have power to send for persons, papers, and records, and to order analyses.

*Ordered*, That Five be the quorum.—(Mr. Gulland,)

[Thursday, 2nd July, 1914]:—Patent Medicines,—*Ordered*, That the Evidence taken before the Select Committee on Patent Medicines in Sessions 1912-13 and 1913 be referred to the Select Committee on Patent Medicines.—(Sir Henry Norman.)

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## REPORT.

The SELECT COMMITTEE appointed to consider and inquire into the question of the sale of PATENT and PROPRIETARY MEDICINES and MEDICAL PREPARATIONS and APPLIANCES, and ADVERTISEMENTS relating thereto; and to report what amendments, if any, in the Law are necessary or desirable :—HAVE agreed to the following REPORT :—

1. Your Committee, during the three sessions of Parliament over which their labours have extended, have held 33 public sittings, and have examined 42 witnesses, of whom more than 14,000 questions have been asked.

2. Of these witnesses nine represented Government Departments, either of this country or of Australia, eleven were medical men, five were analysts, four were wholesale or manufacturing druggists, and nine were manufacturers or proprietors of proprietary medicinal preparations. Fourteen analyses have been made for us.

3. In the evidence given before your Committee, the following public authorities or associations have been represented :—the Customs and Excise, the Privy Council Office, the Home Office, the Local Government Board, the Director of Public Prosecutions, the Government Laboratory, the Commonwealth of Australia, the General Medical Council, the Royal Society of Medicine, the Royal College of Physicians, Edinburgh, the British Medical Association, the Pharmaceutical Society, the White Cross League, the Proprietary Articles Section of the London Chamber of Commerce, the Association of Wholesale Druggists, and the Association of Medical Herbalists.

Your Committee have also received resolutions from representative bodies, and a large number of communications from private individuals.

4. Your Committee have received from the Foreign Office, the Colonial Office, and from other sources, information as to the existing state of the Law and its administration, in relation to the subject matter of their inquiry, in the principal foreign countries, and in the Dominions. The greater part of this information will be found in the Appendices, but we think that it may be useful, before considering the sale and advertisement of secret remedies in this country, to present the following summary of the information supplied to us of existing laws in foreign countries and British Dominions.

### THE LAW IN FOREIGN COUNTRIES.

5. (1) *Germany*.—In Germany a medicine itself cannot be patented, but only the process used in its production; “pharmaceutical specialities,” however, can be protected by registered Trade Marks. The retail trade in a number of “Pharmaceutical Specialities” is governed in the several Federal States by regulations based upon decisions of the Bundesrat of 1903 and 1907. Appendix No. 8.

Under the regulations a number of preparations are grouped by name in two Schedules A. and B., and these may only be sold in pharmacies. Those in Schedule A require a medical prescription as a condition of their sale if they contain drugs of powerful effect, or if the pharmacist is ignorant of their composition. For those in Schedule B., a prescription is in every case necessary. None of these preparations may be publicly advertised or recommended, nor may recommendations or testimonials be included in the package or covering with which they are sold.

These regulations are supplementary to the general regulations governing the conditions under which drugs of powerful effect may be sold, whether proprietary preparations or not.

(2) *Austria*.—In Austria the effect of the law appears to be that no proprietary medicinal preparation may be retailed, the composition of which is unknown, and which has not been officially authorised for sale. Appendix No. 1.

(3) *Hungary*.—In Hungary no secret remedy or pharmaceutical speciality may be sold without the sanction of the Government Department concerned; known and approved remedies may not be sold under changed names; prices must be fixed according to the wholesale prices of drugs; and the recommendation issued with the remedy must also be officially approved. Appendix No. 1.

(4) *France*.—In France the sale of secret remedies, whether of French or foreign origin, is prohibited by law, though it would appear to be legal to sell known and approved remedies under other names, provided the remedy is not advertised in such a way as to give the impression that it is a new discovery. A decree of 1810 provides machinery by which inventors of new remedies or compounds may obtain official recognition of and remuneration for their discoveries. Appendix No. 7.

(5) *Italy*.—In Italy all patent medicines must be submitted, with their prescription, to the Ministry of the Interior, and the prescription must accompany all packets, &c., Appendix No. 1.



offered for sale. False or grossly exaggerated statements, whether of contents, or effects, are punishable by fine. Your Committee, however, are informed that the law is not rigidly enforced, and that an approximate statement of the contents of a preparation is considered sufficient.

(6) *The United States*.—In the United States, the sale of medical preparations is regulated by the Food and Drugs Acts. There appear to be no separate State laws dealing with the subject. Proceedings were taken under the Act of 1906 in several cases against vendors of fraudulent nostrums for which extravagant claims were made, their drugs were declared “misbranded,” and the vendors were fined. A decision of the Supreme Court, however, in 1911, confined the term “misbranding” to false statements regarding the contents of a medicine, and in consequence an amending Act was passed in 1912, Section III of which provided that that part of Section 8 of the Food and Drugs Act of 1906, defining what shall be misbranding in the case of drugs, should be amended by adding the following paragraphs :

“That the term ‘misbranded’ as used herein shall apply to all drugs or articles of food or articles which enter into the composition of food the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State territory or country in which it is manufactured or produced. That for the purposes of this Act an article shall also be deemed to be misbranded—in the case of drugs :—*First* : If it be an imitation of or offered for sale under the name of another article. *Second* : If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein. *Third* : If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or of any of the ingredients or substances contained therein, which is false and fraudulent.”

#### THE LAW IN BRITISH DOMINIONS.

6. (1) *Australia*.—Your Committee have heard much valuable evidence regarding the law and its administration in Australia, from Dr. W. Perrin Norris, who until recently was director of Quarantine under the Commonwealth Government, and is now Chief Medical Officer for the Commonwealth in London, and from Mr. H. E. Neal, of the High Commissioner’s Office.

Under this administration, strict supervision is exercised upon all printed matter, labels, &c., accompanying medicines imported into the Commonwealth; extravagant or otherwise objectionable statements are required to be modified or excised; and if necessary the goods are not allowed to be imported until such modifications have been made. In a few cases medicines or medical appliances have been refused admission absolutely. Your Committee are informed that this is carried out without any considerable difficulty, and they have in the course of their inquiry noticed numerous cases in which there are substantial differences between the labels, &c., accompanying goods sold in this country, and the same goods as sold in Australia. (*See Par. 52.*) It is to be noted, however, that the action of the Commonwealth authorities is confined to dealing with the goods at the port of entry, and the control of the conditions of retail sale, or internal manufacture, is in the hands of the respective State Governments; but it would appear, that the State laws tend to approximate to those of the Commonwealth, and in some cases even to go beyond them. Thus in Western Australia, under recent statutory regulations, the formula of every proprietary medicine is required to be stated on the label, or alternatively, deposited with the Department of Public Health. In New South Wales, by the Pure Food Act of 1908, a drug is declared to be falsely described when it “bears a statement design or device regarding such drug or the ingredients or substance contained therein, which is false or misleading in any particular.” Under the regulations, moreover, if any one or more of some 42 scheduled drugs or poisons be contained in a preparation, the name of the drug, and the proportion of it that is present, must be stated on the label. In Tasmania, under the Food and Drugs Act, 1910, the Health Officer may examine and report upon drugs and appliances advertised, and may compare the results with any advertisement; the reports may be published in the Gazette and newspapers; and the Governor may prohibit the advertising or sale of any drug or appliance which is held to be injurious

Appendices  
Nos. 6 and  
9.

Q. 6189.

Q. 13772 et  
seq.

Q. 811 et seq.

Appendices  
Nos. 2 and  
3.



Appendix  
No. 5.

7. The sale of remedies of which the composition is secret is thus restricted in varying degrees by law in the principal foreign countries and in the British Dominions. This was confirmed to us in evidence by a number of proprietors of secret remedies, who, giving various reasons for their action, informed us that as a matter of fact they export to foreign countries little or none of their products. Of the law in the United States and Australia we shall have occasion to speak later. We pass now to the law and its administration in the United Kingdom.

## A 3



Act, the word "Poisonous." Medicinal preparations may also come within the terms of the Arsenic Act, 1851.

(3) *The Merchandise Marks Act, 1887.*—Under this Act it is (shortly) an offence to apply a false trade description to goods, or to sell goods so falsely described, unless the person prosecuted proves that he acted innocently in the matter.

(4) *The Sale of Food and Drugs Acts, 1875 and 1899.*—Under section 27 of the former Act it is an offence wilfully to give with an article sold a label falsely describing such article. But under Section 6 of the same Act an offence shall not be deemed to be committed "where the drug or food is a proprietary medicine or is the subject of a patent in force." The appointment and duties of public analysts, and the procuring and analysing of samples of drugs by local authorities are prescribed by these Acts.

(5) *The Indecent Advertisements Act.*—Under this Act it is an offence to affix or inscribe on any house or building an advertisement relating to disease connected with sexual intercourse.

(6) *The Larceny Act.*—Under Section 88 it is an offence to obtain money by false pretences from any person with an intent to defraud.

#### (b) Departments of State.

(1) *The Privy Council Office.*—The Privy Council exercises a certain amount of supervisory and regulative influence through their charter or otherwise, upon the qualifications and conduct of doctors, dentists, chemists, veterinary surgeons and midwives. An Order in Council, following upon a recommendation of the Pharmaceutical Society, is necessary to add a drug to the schedules of poisons.

(2) *The Home Office.*—The Home Secretary answers questions in the House of Commons, on behalf of the Lord President of the Council, on the general subject of proprietary medicines, and he has power to direct the Director of Public Prosecutions to take proceedings. Complaints of fraud would properly be made to the Home Office, as the general supervising authority over the police.

(3) *The Local Government Board.*—This department controls the administration of the sale of Food and Drugs Acts by the 234 local authorities of England and Wales.

(4) *The Patent Office.*—The Comptroller-General informed us that 312 patents granted to 1912 for medicines and medicinal preparations are in force. There are very few patents of the remedies to which our inquiry was specially directed, as a patent cannot be secured without (a) proof of usefulness and novelty, and (b) disclosure of formula.

#### (c.) Statutory Bodies.

(1.) *The General Medical Council.*—This body is charged by the Medical Act, 1858, with publishing from time to time the "British Pharmacopœia," an authoritative standard and guide to the uniformity and purity of drugs employed by medical men. The last edition was published fifteen years ago. A new edition is at last in the press.

(2.) *The Pharmaceutical Society.*—This body, created by Royal Charter in 1843, is charged by the Pharmacy Acts with a measure of control over the sale of proprietary articles containing scheduled poisons. It has no powers in relation to other proprietary articles. It moves the Privy Council to add to the schedule of poisons.

11. The foregoing summary, if left without comment, might be thought to indicate an adequate body of law and administrative authority to deal with the subject of our inquiry. This is far from being the case. So far as the prevention of fraud is concerned, the before-mentioned statutes or powers are of little value. To show this in detail in each instance would be to overload our Report with details. We confine ourselves, therefore, to a brief indication of the facts or the authority upon which we base the above opinion.

12. There is no Department of State officially concerned with the sale and advertisement of these articles. The witness from the Home Office said to us: "This is one of many subjects which no Department of State claims as its own." He further said: "The Home Secretary, as regards Patent and Proprietary Medicines as such, has no powers or duties." And he added: "Proceedings for fraud against proprietors or vendors of proprietary medicines on the ground that they cannot cure the diseases they mention, are practically unknown." As regards the Privy Council in this connection, it is merely a clerical vehicle for passing on any question to some other department, possessing itself neither knowledge nor adequate staff to deal with it. And even its function of securing Orders in Council, is exercised with such laxity that whereas the



Pharmaceutical Society passed resolutions in 1882, 1886, 1893 (moved by the Local Q. 12390. Government Board), and 1899, requesting that various poisons, including carbolic acid, which was responsible for 200 fatalities a year, should be added to the schedule of poisons, it was not until 1900 that this recommendation was carried out in part. It thus took the Privy Council 18 years to add carbolic acid to the schedule of poisons. Q. 12460. The President of the Pharmaceutical Society not unnaturally expressed to us the opinion that "a change in the law, or, at any rate, a great change of procedure, is urgently necessary."

13. The Merchandise Marks Acts give no specific authority to local authorities to p. 716. prosecute for a false trade description, and no private individual has yet seen fit to do so in respect of a proprietary medicine. Moreover, an action would only lie in the case of a medicine not being what it was alleged to be; for instance, a drug not quinine described as being quinine. Further, it does not apply to fraudulent advertisements, except in so far as such advertisements accompany the goods.

14. In the Sale of Food and Drugs Act, Section 6, sub-section (2) specifically exempts proprietary and patent medicines from its operations. Even if this exemption were abolished this section of the Act would still be practically useless, as a purchaser asking for X's pills and getting X's pills would be getting an article "of the nature, substance and quality of the article demanded."

15. The Indecent Advertisements Act does not include advertisements in newspapers.

#### LEGAL AND OFFICIAL ANOMALIES AND CURIOSITIES.

16. The anomalies and curiosities of the law and official practice are numerous and remarkable. For example, under the Stamp Act foreign medicines are liable to duty Q. 4811. merely because they are foreign, but since 1885, when Mr. Childers was Chancellor of the Exchequer, the Commissioners of Inland Revenue have disregarded the difference Q. 5856-9. between British and foreign preparations as a concession, according to one witness, to those who contended that the duty violated the doctrines of free trade. Again, any Q. 4797. number of different names may be secured as trade marks for the same drug. Thus Q. 7861. "soamin" is atoxyl, and the drug acetyl-salicylic acid is sold as "Aspirin," "Saletin," "Salacetin," "Xaxa," etc., and a chemist receiving a prescription with "Xaxa," for instance, on it, cannot substitute acetyl-salicylic acid, though he may know the two Q. 11932-3. substances to be identical, without rendering himself liable to an action for damage Q. 5679. by the proprietor of "Xaxa." Acetanilide is sold as "Antikamnia" (the drug sold in Q. 11133. America under this name was formerly acetanilide, but in consequence of a Q. 7861-2. change in the law it is now phenacetin in America, but is still acetanilide in this B.P. Codex country), "Ammonol," "Antitoxine" and "Phenalgine"; phenolphthalein, simple or p. 777. compound, is sold as "Aperione," "Laxans," "Laxatin," "Laxatol," "Laxatoline," "Laxiconfect," "Laxoin," "Laxophen," "Paraphthalein," "Phenolax," "Proliclin," "Purgen," "Purgo," "Purgolade," "Purgella" and "Purgylum"; formamine or B.P. Codex urotropine (hexamethylene-tetramine, or commercial varieties of it) is sold under the p. 442. proprietary names of "Aminoform," "Cystamin," "Metramine," "Urisol," "Uritone," "Xametrin," "Vesalvine," etc. Again, the retailer of "Wincarnis" must hold an off Q. 10475-6. wine licence (costing at least £2 10s.), but the Commissioners of Inland Revenue decided that the addition of one gr. of quinine hydrochloride to the fluid oz. makes it a medicated wine, and the retailer need only hold a patent medicine licence (costing 5s.). Thus the proprietors of a medicated wine are naturally induced to add precisely that amount of quinine which the Commissioners decide will enable it to be sold by retailers holding the less expensive licence. Again, a manufacturer of dutiable Q. 47. preparations can export them to himself in a foreign country without paying British duty; if he exports them to another person he must pay duty. But he can Q. 87. transfer them to himself in Ireland and export them from there to any person without paying duty upon them. Again, in all cases where the name of an ailment is mentioned in connection with a medicine, the Commissioners have since 1902 Q. 4709 required duty to be paid; where no ailment, but only the organ of the body which is the seat of the ailment, is mentioned, the medicine is not dutiable. Thus "cough mixture" is dutiable, "chest mixture" is not; "liver tonic" is dutiable, "liver mixture" is not; "corn paint" is dutiable, "toe paint" is not; "headache powder" is dutiable, "head powder" is not. Millions of powders for Q. 4760. headache now escape duty under this decision, the name having been changed from the former to the latter. An alleged cure for asthma only fails to escape duty because no Q. 11084-8. organ of the body can be named as specially the seat of that ailment. Asthma cigarettes, however, are not regarded as a preparation "to be used or applied Q. 37.



externally or internally, as a medicine or medicament." Therefore, they pay no duty. But smelling salts are dutiable. Again, if the original maker of a well-known medicine in which no proprietary rights are claimed affixes a label recommending its efficacy, he must pay stamp duty. But a retail chemist may purchase it from him and affix such a label without paying duty. Again, there is no duty upon waters containing carbonic acid gas, or solid preparations for impregnating water with this gas. The Court ruled, therefore, that powders like "Eno's Fruit Salt," "Kutnow's Powder," "Pyretic Saline," &c., are not dutiable, though proprietary medicines recommended for ailments, on the ground that when mixed with water they effervesce by the generation of carbonic acid. Again, an advertisement, not in itself indecent, relating to complaints arising from sexual intercourse, becomes indecent in law if affixed or inscribed anywhere, but not if published in a newspaper, put in a letter-box or thrown down an area; and such advertisements are frequently exhibited in shop windows.

The above examples illustrate the remark made to us by the solicitor to the Chemists' Defence Association that the existing state of the law constitutes "a financial and legal chaos," and the view expressed by the Solicitor to the Customs and Excise, who said, "we have long felt that the whole of this law is very much out of date." From the traders' point of view it is very difficult to know what articles are dutiable and what are not, and the Commissioners themselves confess that they do not enforce the Act strictly. Finally, to compare British with foreign law in one instance, we may refer to the case of the American Macaura. He is stated by one witness to have gained £60,000 by his recent campaign in England of advertising, exhibiting and selling an alleged vibratory cure for many ailments, whereas for the same procedure in Paris he has just been sentenced to three years' imprisonment and a fine of £120.

#### PROSECUTIONS FOR FRAUD.

17. Successful prosecutions for fraud in connection with the sale of secret remedies have been so few as to be negligible. In the first place, as we were informed by the Assistant-Director of Public Prosecutions, at present there is no person whose duty it is to see whether patent medicine manufacturers are making fraudulent claims. And when a prosecution is undertaken, it usually breaks down for one of two reasons (1) It is impossible to prove guilty knowledge—that is, "wilful" misstatement, often because the medicine is usually sold by persons ignorant of their composition. (2) The defendant is able to produce witnesses who state that the medicine has been beneficial to them. A drug or appliance, for example, is advertised to cure deafness. It may be a drug or treatment which is commonly used by the medical profession to benefit specific or simple cases. The vendor can thus produce a few cases which have derived benefit, whereas in thousands of other cases it is a sheer fraud. (3) In grave cases, like drugs sold to procure abortion, the prosecution could hardly produce a witness to say, "I bought this drug believing it would enable me to commit a crime; I found it would not, and I am defrauded." We have privately brought to the notice of the Director of Public Prosecutions several cases obviously of the most fraudulent or offensive description, and have requested him to prosecute. In each case, with every desire to do so, he has after careful consideration explained to us the legal grounds on which, in his opinion, it would be impossible to secure a verdict.

18. One example of an unsuccessful prosecution of a retail vendor may usefully be given. In 1907 the Liverpool Corporation made a praiseworthy attempt to punish fraud in the case of a preparation, the materials of which, according to the medical officer of health, cost about a penny and which was sold for 2s. 9d. The retail vendors were prosecuted on the ground that the statement on the label that the preparation "contains the active ingredients and digestive qualities of the gastric juice in a highly concentrated and permanent form," was false and fraudulent. An analyst's certificate was produced, showing the contents to be water, with traces of phosphoric acid, hydrochloric acid, nitric acid, and calcium phosphate, flavoured with chloroform and a vegetable bitter, and coloured with cochineal. The only part of this resembling the gastric juice was the minute quantity of hydrochloric acid. But it was impossible to prove guilty knowledge on the part of the vendors, the case against them was withdrawn, and they were allowed five guineas costs. It is not surprising that the Medical Officer of Health of the City of Liverpool should add, in supplying us with the above facts, "Further analyses have been made of patent medicines, but no legal proceedings have been taken." It should be pointed out that the prosecution was not taken against the manufacturers of the remedy.



## THE INADEQUACY OF EXISTING LAW.

19. In opposition to any change in the law affecting the sale or advertisement of Q. 6275. secret remedies, it was contended to us on behalf of the Proprietary Articles Section of the London Chamber of Commerce that false statements or false pretences in respect of such remedies are already adequately dealt with either by Common Law or by certain existing Acts; and that adequate powers of prosecution are already vested in certain officials and Departments of State. After most careful and prolonged consideration, in public and in private, we are convinced that this is not the case.

20. By strict interpretation of existing statutes, of the precedents of Common Law, or of the authority of officials and Departments, considerable powers of prevention and prosecution may exist nominally. But we are satisfied that the difficulties of bringing these powers into successful operation are so numerous and great that for all practical purposes the sale and advertisement of secret remedies (unless they contain scheduled poisons) is unrestricted by law in this country.

21. In final support of this view we would quote the two most weighty official opinions available to us. Mr. Guy Stephenson, Assistant-Director of Public Prosecutions assured us that "the difficulty of successfully prosecuting for any false statement Q. 1327. with regard to the powers of a medicine, is almost insuperable." He then gave evidence as follows:—

*Chairman.*] That is to say, the law is practically non-existent, speaking Q. 1328-9. generally?

*Witness.*] If you like to put it in that way.

*Chairman.*] Or, in other words, the vendors of patent and proprietary medicines can practically do what they like, so long as they keep outside the bounds of gross and obvious impropriety?

*Witness.*] It would seem so—yes.

And Mr. MacFadden, M.B., of the Local Government Board, gave the following evidence:—

*Chairman.*] In fact, we may take it then, as a general summary of your view, Q. 13407. that the existing laws are not operative as regards this class of articles, and that they must almost necessarily be inoperative?

*Witness.*] That is so.

## THE SITUATION RESULTING FROM EXISTING LAW.

22. The situation, therefore, as regards the sale and advertisement of patent and proprietary medicines and articles may be summarised in one sentence as follows. For all practical purposes British law is powerless to prevent any person from procuring any drug, or making any mixture, whether potent or without any therapeutical activity Q. 271, 311, whatever (so long as it does not contain a scheduled poison) advertising it in any 324, 1330, 11874. decent terms as a cure for any disease or ailment, recommending it by bogus testimonials and the invented opinions and facsimile signatures of fictitious physicians, and selling it under any name he chooses, on the payment of a small stamp duty, for any price he can persuade a credulous public to pay.

## STATISTICS OF THE TRADE IN PROPRIETARY REMEDIES.

23. We pass now to an examination of the trade in proprietary remedies as it exists in this country, and in the first place, to its fiscal and financial side. The yield of the duties was, to March 31, 1914, in respect of 43,156 licences, £10,791, and in Q. 62. respect of duties upon medicines apart from licences, for 1912, £327,856, for 1913, £328,318, for 1914, £360,376, thus showing an increase of £31,958 during the past twelve months, the greatest advance in one year for many years. Of the whole revenue all but a very small sum was paid in England. The number of medicine stamps issued in the year ending March 31, 1908, was 41,757,575, of which 33 millions were for 1½d., 7½ millions for 3d., and one million for 6d. For the year ending March 31, 1914, it was Q. 201. 44,427,166, of which 34 millions were for 1½d., nearly 9 millions for 3d., and a little over one million for 6d. The increase is thus rather over 2½ millions in six years. The Customs and Excise informed us that it was impossible to tell from these figures what the total sales amounted to, and therefore whether the consumption is increasing or not. But on the assumption that all the 1½d. stamps were put upon medicines retailed at 1s. 1½d. (which is not entirely the case), the sales of these would reach about £1,930,000, and that all the 3d. stamps were put upon medicines retailed at 2s. 9d. the sales of these would be about £1,275,000, or nearly £3,200,000 for these two



classes of preparations alone. The President of the Pharmaceutical Society of Great Britain, speaking with 36 years' continuous experience as a retail chemist, informed us that the sale of proprietary remedies has very largely increased during the past ten years.

24. We would draw attention, however, to the probability that the sales of secret remedies will tend to decrease from the operation of the National Insurance Act. Now that the millions of insured persons can obtain medical advice, prescriptions and drugs free of cost, they will naturally be less likely to attempt self-medication in order to save doctors' fees.

25. There is no record at the Custom House of the importation of these preparations. It is therefore impossible to discover from our own records the respective proportion of home-made and imported remedies, but without doubt a large quantity comes from the United States. Professor Cushny stated that this has increased of late owing to greater restrictions upon their sale there. As he put it "we are getting the benefit of the legislation of the United States." "We are getting a lot of quack remedies which were formerly confined to the United States." These enter free of all import duty except upon their content of materials in themselves dutiable. One witness quoted an official American statement to the effect that about 15,000,000 packages of proprietary remedies were exported from the United States to this country in 1911, of a total value of about £400,000.

26. While the trade in certain classes of secret remedies is carried on, often as mail-order business only, with trifling capital, in other cases the amount of capital invested in manufacturing is very large. The annual turnover of the proprietor of "Beecham's Pills," selling over a million pills a day, Sundays included, is about £360,000 a year. The proprietors of "Seigel's Syrup," who have sold 100 million bottles in 40 years, pay upwards of £40,000 a year in wages alone.

27. In most cases the principal expenditure in connection with secret remedies is in advertising. The proprietors of "Wincarnis" for example, spend thus £50,000 a year, employing between 30 and 40 persons in their advertising bureau. "Elmer Shirley," a witness informed us, spent at one time £1,000 a week. The proprietors of "Daisy" powder, a comparatively small business, spend £3,000 a year. The late A. L. Pointing, a well-known swindler, is believed to have spent £20,000 a year in advertising an "alcohol cure" called "Antidipso"—at his death he left £80,000. The Proprietary Articles Section of the London Chamber of Commerce estimates that £2,000,000 is spent annually in this country in advertisements of proprietary medicines.

#### THE PRESS AND SECRET REMEDIES.

28. It may be convenient to speak at this point of the relation of the newspaper and periodical press to secret remedies. As so large a sum as £2,000,000 or more is spent annually in advertisements of these remedies in one form or another of advertising, the trade is naturally of great importance to newspaper proprietors. In the case of most newspapers these advertisements constitute one of the most considerable sources of income, while a number of small provincial newspapers could probably hardly exist at all without secret remedy advertisements. All periodicals exercise some censorship over these advertisements. With a few, mostly weekly sporting low-class prints, fear of prosecution alone dictates a certain caution. Other papers draw a line of varying strictness. One newspaper only, the "Spectator," we were informed, wholly excludes these advertisements, but a few daily papers also practically close their columns to them. The respectable press, speaking generally, refuses all advertisements having any suggestion of impropriety. Some papers of the so-called "religious press," we are told, show a wider hospitality to secret remedy advertisements, and many of an objectionable character have been found in its columns. It is also lamentably true that the cheap so-called "home" weeklies, intended for the reading of girls and young women, contain advertisements of a grossly improper nature. Many improper advertisements from weeklies, sporting prints, "religious" and "home" papers, were exhibited to us—including 19 advertisements of drugs obviously intended to be used as abortifacients in one provincial Sunday paper—but none of this character from high-class dailies or weeklies. We are convinced that the proprietors of the better class of newspapers and secret remedies alike would welcome a drastic suppression of suggestive or improper advertisements. The foregoing observations do not refer to the advertisements of swindlers like Macaura, the "eye quacks," the "deaf quacks," the cancer-curiers, the consumption-curiers, the electric belt makers, the curiers of rupture without operation,



or "fakirs" generally. As regards these classes, most newspaper proprietors do not regard it as incumbent upon them to test the good faith of secret remedy advertisers, any more than of advertisers of other goods, though a few of the leading papers exercise a very severe censorship upon advertisements of this kind also. We must point out further, in this connection, that the large sums received for the advertisement of secret remedies lead newspapers, either from discretion or under compulsion, to exclude from their columns criticism or discussion of secret remedies. When the British Medical Association, for example, issued their volume entitled "Secret Remedies," containing analyses, costs, &c., of a large number of proprietary medicines, not only was the volume not noticed editorially by most papers, but even an advertisement of it was declined by many journals, some of them of the highest class. A trial in Edinburgh in the course of which the judge described the business of the proprietors of "Bile Beans" as "based on unblushing falsehood for the purpose of defrauding the public," was as we were informed with few exceptions not reported in the Press, and the remedy still has a considerable sale. The extent to which criticism of secret medicines is excluded from the Press may probably be judged by anyone who will take the trouble to see how much attention is bestowed by the newspapers upon your Committee's Report.

29. With regard to the advertisements in the Medical Press, we consider that adequate censorship has not in all cases been exercised, as indeed was admitted by Dr. Cox, the representative of the British Medical Association, and instances to this effect will be found in the evidence we received.

#### THE ANALYSIS OF SECRET REMEDIES.

30. Mention of the volumes called "Secret Remedies" leads us to speak of the analysis of proprietary and secret remedies. It is vital to many proposals to deal by law with secret remedies on the ground of either their injurious or their inactive nature, that their composition should be determinable by analysis. Eminent analysts appeared before us in support of the cases for and against these remedies, but as might have been anticipated their views differed widely, and they did not fail to draw our attention to each other's unsatisfactory methods and erroneous results. We received, however, valuable independent guidance from the Government Chemist, Dr. Dobbie, and his first-class analyst, Mr. C. Simmonds.

31. It is asserted by expert analysts representing the proprietary medicine trade that no known methods of analysis will enable the composition of many secret remedies to be accurately determined. Consequently, it was claimed, the analyses published in "Secret Remedies" are incorrect in many cases. In one or two instances the makers informed us in confidence of ingredients which the British Medical Association analyst or the Government Chemist had failed to identify. Where there is an undiscovered ingredient the maker claimed special virtues for it—which he would possibly not do, as one witness suggested, if it were named. To this aspect of analysis, obviously of the greatest importance, we gave prolonged and most careful attention, and basing our view upon consideration of much technical evidence, we have reached the following conclusions.

A large proportion of drugs consists of inorganic substances, or compounds of inorganic with organic substances. Practically all of these are recognisable, and so far as concerns the inorganic substances themselves, determinable—that is, not only the substance recognised but also its quantity determined—by competent analysis. A further group consists of manufactured compounds, and these are practically all recognisable by analysis, even in somewhat complex mixtures. There remains a group of vegetable extracts, of which dandelion and gentian are familiar examples. But even simple vegetable extracts are really highly complex bodies, and the exact composition of these is still unknown to chemistry. Unless one of these, therefore, possesses a marked smell or taste, or if, possessing such, its smell or taste is masked by the greater smell or taste of some other similar substance, it cannot in many cases be specifically identified. The difficulty of identification, moreover, increases rapidly in proportion to the number of such extracts in a mixture, and when a large number, say eight or ten, are mixed together, even separate detection is impossible, and accurate determination out of the question. What is relied upon, however, in vegetable extracts for medicinal effect is often an alkaloid or mineral constituent, and these can be accurately discovered and determined. Further, sub-groups of this group possess in common an active principle which can be recognised and which serves to identify the substances of the particular sub-group. For example, emodin is said to be the active principle of rhubarb and half a dozen other vegetable extracts.



- Q. 11323. 32. One important practical result of the foregoing is that any maker of a secret  
 Q. 11329. remedy, by mixing together, whether with or without scientific or therapeutical  
 Q. 11878-9. knowledge, a number of vegetable extracts, can truthfully state that the composition  
 Q. 12369-12371. of his remedy cannot be discovered by analysis. A mixture of tinctures, infusions,  
 Q. 13625-6. decoctions or extracts of such familiar yet complex bodies as treacle, honey, aloes,  
 Q. 12630. cinnamon, liquorice, linseed, coltsfoot, cubebs, pepper, horehound, ginger, gentian,  
 dandelion, rhubarb, saffron, etc., may defy all chemical, microscopic, spectro-  
 Q. 12369. scopic, olfactory or physiological analysis. While a mixture, therefore, may have a  
 therapeutical value, it may also be made to defy the analytical exposure of a fraudu-  
 Q. 12729. lent claim of therapeutical value. There are thus distinct limits to analysis, but in  
 practice these limits are narrower than would appear, for in a large majority of cases  
 the essential nature of the principal constituents of any medicine can be detected with  
 almost perfect certainty and determined with reasonable accuracy, given skill, time,  
 and a sufficient quantity of material.

#### ORGANISATION OF THE TRADE IN PROPRIETARY REMEDIES.

- Q. 6279. 33. The trade in patent and proprietary medicines is represented in Great  
 Britain by the Proprietary Articles Section of the London Chamber of Commerce,  
 which contains over 300 manufacturers or vendors of such articles. Membership  
 of the Section is open to any person in the trade, proposed and seconded by  
 members. No control of any kind is exercised by the Section over the nature of the  
 Q. 6288. remedies sold or the claims made for them. This body presented to us the case for  
 proprietary medicines, producing as witnesses two expert analysts and a number of  
 makers and proprietors of secret remedies.

#### THE DIFFERENT CLASSES OF PROPRIETARY REMEDIES.

- Q. 6015. 34. Patent and proprietary medicines differ very widely in character. At one  
 end of the scale is the valuable scientific preparation; at the other end is the mere vulgar  
 swindle. Any useful consideration of them must therefore be preceded by some  
 classification into distinct categories, as these may call for widely differing treatment  
 in the public interest, corresponding to their differences of character. For the purpose  
 of this Report we adopt the following classification, which is largely supported by the  
 evidence of expert witnesses of high standing.

In the first place we divide these remedies into two chief classes: (A) Non-secret,  
 and (B) Secret. That is, those of which the formula is published, and those of which  
 the formula is not published.

#### CLASS A.—NON-SECRET REMEDIES.

- Q. 2877. Group 1. *Proprietary preparations*.—This group consists of genuine drugs,  
 originally produced synthetically, or extracted from crude compounds, by skilled  
 chemists and tested by therapeutists, and manufactured (though under many names) in  
 pharmacological laboratories. Familiar examples are aspirin, adrenaline, and urotropine.  
 The processes of manufacture are patented, or the names are registered trade-marks.

- Q. 2889. Group 2. *Remedies owing their value to skilful combination*.—Examples of this  
 group are various emulsions of cod-liver oil or petroleum, and mixtures of  
 bismuth with pepsine. They contain no new drugs, but are only new combinations,  
 depending for their palatable or assimilable qualities upon the skill with which they are  
 compounded.

- Q. 2902-4. Group 3. *Non-secret drugs with secret excipients*.—These are known drugs with  
 formula disclosed, mixed for purposes of convenient or elegant manufacture with  
 minute quantities of medically inert substances, the nature of which is a trade secret.  
 The most familiar example of this group is the large quantity of medicine sold in  
 "tabloids," this trade name being the property of one firm.

It will be evident that unless some of the above drugs are such as should not be  
 sold at all; unless it should be thought desirable to forbid unfounded claims of efficacy  
 in curing disease; or unless any restriction of the multiplication of trade names be  
 recommended, there is nothing in the above Class calling for interference in the public  
 interest. The second Class occupies a different position.

#### CLASS B.—SECRET REMEDIES.

In consequence of the great variety of remedies of this class, it is difficult to give  
 an adequate classification of them without entering into excessive detail. For practical  
 purposes, however, they may be divided into three general groups.



Group 1. *Simple household remedies*.—This group consists of a number of household remedies, often originally manufactured from a doctor's family prescription, and undoubtedly beneficial for uncomplicated ailments. They have in most cases been sold for many years, and as their retail price is out of all proportion to their cost, large fortunes have often been amassed by their proprietors. Except for the fact that often the advertisements of them recommend their use for cases they cannot benefit, thus causing the purchaser to run the risk of serious injury by delay in securing proper medical treatment, there is little or nothing to criticise in their sale. We cannot, of course, give examples of these, as our remarks would at once be used for advertising purposes.

Group 2. *Dangerous remedies, and drugs for improper purposes*.—This is a small class of drugs which should not be sold at all, of which acetanilide is possibly an example; which should not be sold except on a doctor's prescription; or which should not be sold for the purpose for which they are offered—as, for example, an unsuitable drug as a general medicine for young children. Q. 6002.

Group 3. *Fraudulent remedies*.—This is a large class, having an extensive sale, often at high prices, consisting of abortifacients, of alleged cures for cancer, consumption, diabetes, paralysis, locomotor ataxy, Bright's disease, lupus, fits, epilepsy, rupture (without operation or appliance), deafness, disease of the eye, syphilis, etc., together with electric belts, apparatus for supplying oxygen to the system (other than by inspiration), "ionised" waters and the like. The discovery of radium will probably add a number of remedies to this group. There should be little difficulty in identifying remedies of this class, and their treatment in the public interest need involve no doubt or hesitation. They are, and are known by their makers to be, cruel frauds; and the sale and advertisement of them should be prohibited under drastic penalties.

Group 4. *Remedies making grossly exaggerated claims*.—This is a final large class. Genuine simple remedies making exaggerated claims are included in Group 1, as the exaggeration in their case is usually of the nature of the "trade puff." Those we have in view in this group are remedies depending for their sale largely or wholly upon the extravagant promises they hold out to the purchaser. This, under the name of "misbranding," is now prohibited by law in the United States, and many cases came before us in which the advertisements of proprietary remedies in this country were refused admission into Australia. This group presents obviously great difficulties in drawing the line between claims which are merely "puffs" and claims which are fraudulent, but we regard it as beyond question that the public is defrauded on a large scale by promises which cannot possibly be fulfilled. As an example of the profits made by the sale of this class of remedies, George Taylor Fulford, the proprietor of "Dr. Williams' Pink Pills for Pale People," left a fortune of £1,111,000. Q. 7681.

#### MEDICATED WINES.

35. In addition to the various classes of patent and proprietary remedies, our attention has also been forcibly called to the advertisement and sale of medicated wines, and weighty opinions have been quoted to us regarding their mischievous effects. The trade in these wines is a very extensive one. Messrs. Coleman & Co., the proprietors of "Wincarnis," have a capital of £250,000, employ between four and five hundred persons, and, as before stated, spend £50,000 a year in advertising. Mr. Henry James Hall, trading as Stephen Smith & Co., the proprietors of "Hall's Wine," has a capital of £175,000. The alcoholic content of these wines is very high. For purposes of comparison, the alcoholic strength of familiar wines may be taken to be as follows:—

Claret	-	-	-	9 per cent.	Sherry	-	-	-	18 per cent.
Hock	-	-	-	10 " "	Port	-	-	-	20 " "
Champagne	-	-	-	10·15 " "					

The alcoholic strength of well-known brands of medicated wines was stated to us as follows:—

Bovril Wine	-	-	-	20 per cent.	Spiers & Pond's				
Lemco Wine	-	-	-	17 " "	Wine	-	-	-	17 per cent.
*Wincarnis	-	-	-	19·6 " "	Savar's Wine	-	-	-	23 " "
Bendle's Wine	-	-	-	20 " "	Coleman's Coca Wine	-	-	-	16 " "
Glendinning's					Hall's Wine	-	-	-	17·8 " "
Wine	-	-	-	20·8 " "	Vin Mariani	-	-	-	16 " "
Ambrecht's Coca					St. Raphael Tonic				
Wine	-	-	-	15 " "	Wine	-	-	-	16 " "

\* The proprietor stated this percentage to be about 17 per cent. of absolute alcohol. (Q. 10407.)



A number of other preparations contain a high percentage of alcohol, without bearing any suggestion whatever that they are alcoholic. For example :—

Q. 6188.	Carrick's Liquid			Junora	-	-	11.9 per cent.
	Peptonoids	-	20 per cent.	Vibrona	-	-	19 " "
	Panopeptone	-	20 " "	Lydia E. Pinkham's			
	Armour's Nutritive			Vegetable Com-			
	Elixir of Peptone	15	" "	pound	-	-	20 " "
	Carnabyn	-	17 " "				

Thus, though we cannot take responsibility for the foregoing figures, it would appear that many of these wines and preparations are as alcoholic as the strongest wine, and most of the rest are about twice as intoxicating as ordinary claret. One wineglassful of a 20 per cent. wine or preparation contains three and a half teaspoonfuls of absolute alcohol; one wineglassful of "Wincarnis" three teaspoonfuls. The recommended dose of "Wincarnis" equals one wineglassful of whisky per day.

Some medicated wines claim to be nutritive because meat extract enters into their composition. The quantity of meat extract, however, is trifling, and in any case it is not nutritive. "Wincarnis," for instance, is declared to "give a strength that is lasting, because in each wineglassful there is a standard amount of nutriment," and is described as "the world's greatest tonic, restorative, blood-maker and nerve food." Its proportion of meat extract is 1.2 per cent., or about one-twentieth of the nitrogenous (flesh-forming) constituents of lean beefsteak. An analysis made by the public analyst of the city of Bradford says: "It is so deficient in albumenoid nitrogen and phosphorus, essential constituents of nerves and flesh, that in these respects it is but very little superior to port wine itself." "Lemco Wine," again, contains only 0.6 per cent. of meat extract, but 12 per cent. of sugar. Alcohol, moreover, cannot contain meat extract in solution, and presumably any medical man desiring to administer meat extract would prefer to do so without mixing it with alcohol.

There can be no doubt that many persons acquire the "drink habit" by taking these wines and preparations, either knowing that they are alcoholic, since they can be purchased and consumed without giving rise to the charge of "drinking," or in ignorance that they are highly intoxicating liquors. The further charge is made that their drug content may lead to the "drug habit." "Hall's Coca Wine" is now called simply "Hall's Wine." It contains one grain of the extractive principle of the coca leaf (which is mainly cocaine) in 26 fluid ounces, a sufficient amount, as stated by the proprietor, to cause sleep if two wineglassfuls are taken. It is recommended for children in these words: "For colds, coughs, and bronchial affections: children, a dessertspoonful three times daily." One "nutritive tonic wine" (Bugeaud's) is advertised as containing "cinchona (quinine) and cocoa." It contains no cocoa. The word is probably a misprint—perhaps accidental—for "coca." In some cases the proprietors of these wines offer to pay for the wine licence of retailers. A well-known firm of chemists, commenting upon this, wrote: "On our expressing surprise that they could do this, we were told that of course they would expect our orders for ordinary unmedicated wines, the demand for which always followed, in their experience, where the medicated kinds were introduced." It is stated that doctors' testimonials are secured by the offer of a free 2s. 6d. bottle for any poor person to whom the doctor may like to send it, on his returning a signed coupon. Thus Coleman and Company claim to have 6,000 signatures of medical men in favour of "Wincarnis." The President of the British Medical Association gives this further explanation: "The profession has been educated up to a better standard about the giving of testimonials, but it was culpably lax some years ago."

#### EXAMPLES OF SECRET REMEDIES.

36. In order to show the character of a large class of secret remedies, and at the same time to exhibit the general justification of some of our recommendations, we think it desirable to give in detail a number of facts we have elicited in examination of witnesses. The following examples are taken almost at haphazard, but they are types of innumerable old and new preparations advertised widely throughout the country, and they are constantly being added to. We would draw special attention to the fact that three of the remedies mentioned below (*a*, *b*, and *i*) are the property of witnesses not selected by ourselves, but put forward by the Proprietary Articles Section of the London Chamber of Commerce as representative of the trade in secret



(a) "Mother Siegel's Syrup."—This is one of the most familiar and widely sold secret remedies. The proprietors are A. J. White, Ltd. (Mr. White was an American, who died in 1899) of 35, Farringdon Road, London. When the present limited company was formed in 1897 with a capital of £1,000,000, the vendor's profit was £900,000. The capital has since been written down to £300,000. It employs to 350 persons and pays from £30,000 to £40,000 per annum in wages, and a hundred million bottles are said to have been sold. It cannot be sold, unless smuggled, in Germany (where it is prohibited by name except on a doctor's prescription), France, Austria, or Italy.

For many years this preparation bore the statement that "an old woman, Mother Seigel, on her last legs with dyspepsia, was given up by her relatives and was allowed to wander in the lanes round her native village in Germany, and that one day she chewed a leaf of a herb only found in those parts, and found immediate relief." Your Committee arrived at the conclusion that every detail of this statement was an invention. There never was a Mother Seigel or this wonderful herb, and the entire story appears to be a fabrication.

This remedy is advertised as "a cure for impurities of the blood," "a cure for dyspepsia and liver complaints," and "a cure for anæmia," and it is described as "a highly concentrated, purely vegetable compound." The statement that it is "purely" vegetable was, we were told by the proprietors, "apparently put in by the advertisement writer without proper consideration." It is incorrect, as the preparation contains hydrochloric acid and borax. It is made up in batches of 200 gallons, and consists, the proprietors state, of a mixture of eleven vegetable substances, and therefore, as previously explained, it cannot be exactly analysed.

We considered "Mother Seigel's Syrup" at great length, regarding it as in many respects a typical secret remedy. To the representative of the proprietors we put no fewer than 1,607 questions, and we received much technical evidence concerning its contents from three analysts, and from the Government Chemist and his assistant. The analysis given in "Secret Remedies" was disputed by and on behalf of the proprietors, and was defended by the analyst put forward by the British Medical Association. We think it well, therefore, to give in full the following analysis made for us by the Government Chemist, as this also illustrates our remarks above upon the limits of analysis of preparations containing a number of vegetable extracts.

"The analysis of the sample gave the following results:—

	Per cent. by weight.
Water and volatile acid ... ..	57.5
Mineral matters (ash) ... ..	5.1
Reducing sugars (calculated as invert sugar) ...	16.2
Cane sugar ... ..	11.0
Organic solids other than sugar ... ..	10.2
	<hr/> 100.0 <hr/>

"1. *Organic Ingredients*.—The proportion of sugars in the sample represents about 40 per cent. of treacle. In addition to the sugars, the organic ingredients were found to include:—

Essential oil, having an odour of sassafras	A small quantity.
Starch ... ..	do. do.
Acetic acid ... ..	0.66 per cent.
Capsicum, equivalent to about 1 per cent. of tincture of capsicum, B.P.	
Aloes ... ..	About 1 per cent.
Other vegetable extractive substances (after deducting 1.4 per cent. of extractives due to treacle) ... ..	7.8 per cent.

"We have not found it practicable to separate characteristic constituents, or to obtain characteristic reactions, which would serve to identify definitely any organic ingredients of the mixture other than those mentioned above.

"2. *Mineral Ingredients*.—These consisted of borax, with small quantities of chlorides, sulphates and phosphates, such as occur in the ashes of vegetable substances.

Total boric acid ...	2.12 per cent. (equivalent to 3.26 per cent. of crystallised borax).
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Total chlorides ... 1.51 per cent. (calculated as hydrogen chloride).

"3. *Acids*.—The volatile acid consisted mainly of acetic acid, with a little boric acid. The total free acid of the sample in terms of hydrochloric acid is 1.12 per cent., equivalent to 10.6 per cent. of the Pharmacopœia 'diluted hydrochloric acid.'

"The proportion of free acid, other than acetic acid, would correspond with 0.72 per cent. of hydrochloric acid, equivalent to 6.8 per cent. of the 'diluted hydrochloric acid' of the Pharmacopœia. Very little of this hydrochloric acid, however, would be actually present in the 'free' condition.

C. SIMMONDS.

JAMES J. DOBBIE.

"Government Laboratory, 21st December, 1912."

This official analysis and that of the analyst for the proprietors practically agree in the percentage of treacle (40 per cent. and 42 per cent.) and of vegetable extractive substances (7.8 per cent. and 8.42 per cent.). From the foregoing, the fact emerges that 100,000,000 bottles of an American mixture, originally recommended by an elaborate falsehood, and containing—apart from about 10 per cent. of vegetable extracts, including aloes and capsicum, of whose names, therapeutic virtues, and money value we are ignorant—50 per cent. of water and 40 per cent. of treacle, have been sold at the retail price of 2s. 6d. for three fluid ounces.

(b) "*Daisy*" *Powders*.—These are the property of "Daisy, Limited, Leeds," a company with a capital of £15,000, employing about forty persons. As at first sold, this medicine, which was originated in this form in 1893 by an unqualified retail druggist, was known as "Daisy Headache Powder," and contained 5 grains of acetanilide. The Board of Inland Revenue decided that this—which was exempt from stamp duty as a "pure drug"—could only be sold by pharmacists or persons holding a Patent Medicine license, and many of the retailers of the powders were in too small a way of business to pay 5s. annually for this, even although the proprietors offered to pay half the cost. Therefore a second identical powder was put on the market, bearing the words "Head Powder," and "Daisy, Limited, Leeds," the label designed to lead the public to think it the same as the original powder. But the Board, after a long correspondence (which was shown to us), insisted that the packets bearing different names must contain different substances. Therefore a "Daisy Headache Powder" still contains 5 grains of acetanilide, but a "Head Powder" of "Daisy, Limited, Leeds," contains 8 grains of phenacetin.

The assets of this Company consist chiefly of the goodwill in the trade name "Daisy" (they informed us that they had also registered the word "Buttercup"), and their business consists in buying acetanilide and phenacetin by the ton, these costing respectively 9d. and 2s. 11d. a pound, and supplying them in 5 and 8 grain packets to retail at a penny apiece. When asked by our medical colleague whether headache might not be a warning symptom of serious diseases, and that therefore merely to remove the symptom might be a dangerous step, the proprietor replied: "I say headache is a pain in the head, and I say that a 'Daisy' powder will remove the ache." The official dose is 1 to 3 grains, and the Codex adds: "Doses of 5 to 10 grains are sometimes ordered, but may cause alarming symptoms." Professor Dixon, M.D., F.R.S., one of the highest authorities upon pharmacology, informed us that acetanilide is a dangerous drug, and he went so far as to say that it "ought never to be given under any circumstances."

(c) "*Fenning's Fever Curer*."—This is advertised in the following terms: "The celebrated Remedy for the Prevention and Cure of Typhus, or Low Fever, Cholera, Diphtheria, Scarlet Fever, Fluxes, Yellow Fever, Influenza, Black Fever, Dysentery, Windy Spasms, Sore Throats, Gripping Pains, Low Spirits, Diarrhœa, Small Pox, &c. Sore throats cured with one dose. Scarlet or Typhus Fever prevented or cured. Bowel complaints cured with one dose. Typhus or Low Fever cured with two doses. Diphtheria cured with three doses. Scarlet Fever cured with three doses. Cholera cured with five doses. Influenza cured with six doses." The Government Chemist informed us that this consisted of a dilute solution of nitric acid, flavoured with peppermint. It is sold at 1s. 1½d. for about 8 fluid ounces. The estimated cost of the ingredients is ½d.

(d) "*Antipon*."—"One of the most valuable discoveries in modern therapeutics, solving once and for all the vexed question of the radical cure of obesity without harmful after-effects." A solution of citric acid in water, which we were informed would be without medical effect upon corpulency.



(e) "*Vitadatio*."—Will cure the most severe cases of cancerous growths, Q. 1797. tuberculosis, consumption, heart trouble and tumours." We sent this to the Government Chemist. It is apparently a decoction of bitter herbs, containing only 1·48 per cent. of total solids, and no alkaloids or resins.

(f) "*Veno's Lightning Cough Cure*."—"If it fails, no other medicine will ever Q. 5269. succeed." According to the statement of the analyst of the British Medical Association, this contains about 8 per cent. of glycerine, with small quantities of alcohol, chloroform and resin.

(g) "*Mer-syren*."—"Composed of the active principles of certain rare plants which flourish in the valleys situated on the southern slopes of the Himalaya, between the immense gorge separating Nepaul from Bhutan on the East, and Almorah on the North-West." Recommended by "Dr. Pearson, late principal Medical Officer, North Bhangulpore, India." No place named Bhangulpore is mentioned in the Imperial Q. 2932. Gazetteer of India." A cure for "dropsy, insanity, smallpox, angina pectoris, diphtheria, erysipelas," etc. No substance but potato starch could be detected by analysis.

(h) "*Phosferine*."—"The greatest of all tonics." A weak solution of quinine in phosphoric acid. Prof. Dixon informed us that this contains no phosphorus which can have a therapeutical effect, and that any other acid to make a solution of quinine Q. 5849-56. would do equally well. Q. 6106-9.

(i) "*Steedman's Soothing Powders*."—These contain, according to the Government Q. 10032. Chemist's report, 27·1 per cent. of calomel. The directions for use for children say: "One may be taken for three or four nights successively at any time when the child Q. 10146. complains of being poorly." The powders vary in weight, and a child may thus get one grain of calomel for several nights in succession. The toxicologist put forward as a witness by the proprietors admitted that "that is a somewhat tall order." In connection with this remedy we learned that the pamphlet entitled "*Hints to Mothers*," p. 564 sqq. accompanying it, and professing to be "by an M.D. London" recommending these powders on every page, was revised by a reputable London doctor, at the request of an advertising agent; that the references to these powders were subsequently inserted without the doctor's knowledge; and that "M.D. London" only meant a doctor living in London, and not, as would naturally be inferred, an M.D. of the University of London. It was not clear to us whether the proprietors and the publishers of this booklet were both responsible for the misstatement.

(j) "*Matrozone*."—Made in a northern seaport, and said to have a large sale in the Q. 2942. North of England. The package contains two bottles, each holding one fluid ounce, and sells for 5s. 6d. The accompanying booklet says: "This treatment is the result of the patient investigation of a Minister of Religion . . . . When a young man pursuing his studies with a view to qualifying for the Medical Profession he was profoundly impressed by the death of a young wife," etc. Its claim is as follows:—"Matrozone Promotes Natural, Rapid and Easy Confinement. Ensures Healthy, Beautiful, and Bright Children." One bottle contained 68·9 per cent. and the other 60·3 per cent. of alcohol, with total solid matter too small to be weighed, such as might come from diluting the alcohol with tap-water, with no trace of any alkaloid.

(k) "*Burgess's Lion Ointment*."—Advertised to cure tuberculous tumours, piles, Q. 2964. fistulas, rheumatism, gout, sciatica, etc. "They are vegetable preparations." The chief ingredient is lead oleate (diachylon plaster), and no vegetable extracts or active principles are present.

(l) "*Dearborn, Ltd.*," a company founded almost without capital, with one Q. 12890-1. director and two shareholders, employs six persons—a secretary, a typist, two book-keepers and two packers. Its business consists in inventing fancy names for Q. 13040-50. preparations (see Par. 38), buying these from well-known manufacturers, labelled Q. 13182-3. with these invented names, and selling them as remedies for short hair, freckles, Q. 13243. liver spots, etc., by means of correspondence passing between fictitious persons and Q. 13194. real or fictitious correspondents, inserted as, but not marked as, advertisements in Q. 12907-9. popular magazines. Sometimes these are followed by an avowed advertisement, to Q. 13280. suggest that what precedes is not an advertisement.

(m) "*No-Germó*."—This was put upon the market, with full-page advertisements Q. 13248-9. in the press, three months ago. It was announced in the following terms: "The wonderful remedy invented by Gertrude, Lady Decies has achieved a well-deserved popularity by its success in curing the most stubborn Colds, Hay Fever and Influenza. Nettle-rash, Eczema and other Skin diseases. It acts as a soporific in cases of Insomnia; it affords great relief in Asthma; it is a prompt and certain cure for Stings of Wasps, Mosquitoes and other insects. It is very easy to use and perfectly safe."



We requested the Government Chemist to furnish us with an analysis of this, but he felt unable to do so, as its composition had been divulged to him in confidence by the manufacturers in connection with action by the Customs and Excise. He therefore nominated, with the sanction of the Treasury, Mr. E. J. Bevan, F.I.C., County Analyst of Middlesex, and the latter has furnished us with the following report :

"No-Germo" consists of an alcoholic solution containing camphor, ammonia and oil of cinnamon.

"It is conceivable, but unlikely, that there may be traces of other bodies, but I have not been able to discover them. The liquid is slightly yellow, more so than could be accounted for by the amount of oil of cinnamon present, but the difference in colour is most probably due to the prolonged action of the ammonia on the oil of cinnamon."

"Possibly the ammonia is present in the form of sal-volatile, but I am unable to say definitely."

"Beside the sample sent officially, I have examined, in more or less detail, eight other samples that I purchased at various chemists' shops. There is a very large variation in the composition. For example, the alcoholic strength varies from 51.1 per cent. to 64.8 per cent., and there are similar variations in the oil of cinnamon, the camphor and the ammonia."

"The average composition is set out below :—

Alcohol	...	...	...	58.3	per cent.
Oil of Cinnamon	...	...	...	0.5	per cent.
Camphor	...	...	...	1.03	per cent.
Ammonia	...	...	...	0.33	per cent.

"The approximate cost of one bottle, selling at 2s. 3d., is 3.64 pence, say three pence three farthings."

Of the remedies discussed in this paragraph no person connected with those lettered *c, d, e, f, g, h, j, k* and *m* took advantage of our general invitation to give evidence before us. We have, therefore, had no opportunity of hearing what they had to say in justification of their methods, or in criticism of the statements made to us by other witnesses in reference to the articles sold by them. Persons interested in the remedies lettered *a, b* and *i* appeared before us, and it is only fair to state that they strongly contested the accuracy of the analyses furnished to us of the constituents of their remedies. In dealing with this latter group at some length, we have no intention of suggesting that these are exceptionally bad cases. The fact these persons gave evidence creates a presumption that they were better able to face examination of their business and their goods than many others manufacturing secret remedies.

#### EXAMPLES OF FRAUDULENT CLAIMS.

Q. 2948-57.

37. The following are a few examples, which could be multiplied almost indefinitely, of fraudulent claims :—

"The best remedy for consumption." (*Congreve's Elixir.*)

"Cures Bright's disease." (*Munyon's Kidney Cure*, consisting of sugar only.)

"It never fails to cure cancerous ulcers, syphilis, piles, rheumatism, gout, dropsy." (*Clarke's Blood Mixture.*)

"Bright's disease, stone in the bladder, dropsy, eczema, scrofula . . . can be speedily cured." (*Warner's Safe Cure.*)

"The absolute specific for all, or some, of their phases" of "syphilis and every form of venereal disease." (*Wallace's Specific.*)

"Applied freely will cure lumbago or sciatica in one night." (*Levasco.*)

"Cured not only rheumatism, but anæmia, eczema, sciatica, St. Vitus's dance, Spinal weakness etc." (*Pink Pills for Pale People*. These contain ferrous sulphate, and are one of the many variations of Blaud's pill—the *pilula ferri* of the British Pharmacopoeia.)

Q. 9429.

"The remarkable curative influence exercised in cases of Bright's disease." (*Beecham's Pills*. This statement was made for many years, but was dropped a few years ago.)

Q. 9499.

"It will be sufficient to offer a few general remarks, and to indicate the method of cure [of syphilis], which is, beyond all, the question of supreme importance. Let it never be forgotten that even a slight delay in dealing with diseases of this type may be terribly fruitful of future trouble. In the first place, the advice of a properly qualified medical man is necessary, whatever the character

Q. 13927-9.



of the disease, or whether it be hereditary or acquired. But the process of eradicating the poison from the system will be materially assisted by the aid of a perfectly safe, but reliable, searching, cleansing, purgative medicine; and nothing better for that purpose can be used than Beecham's Pills. They should be taken immediately, and continued for a considerable time after the cure is apparently complete." (*Beecham's Pills*. A part of this statement was characterised to us by Dr. W. Perrin Norris, formerly Director of Quarantine and practically Director of Public Health for the Australian Commonwealth, as "from our standpoint, one of the most serious, if not criminal, pieces of printed matter I have ever seen.")

#### INVENTED NAMES OF DRUGS.

38. A new and ingenious method of defrauding the public by the sale of secret remedies has recently been devised. This consists of inserting a "reader" advertisement—without the suffix "Advt." whenever the newspaper or magazine will consent to omit this—recommending for an ailment or a physical blemish a simple prescription containing one drug or preparation bearing a fancy name, "which any chemist will supply." This is an ordinary drug put up as a proprietary remedy under the fancy name, and sold, of course, at a fancy price. Sometimes these advertisements take the form of "Answers to Correspondents," or are given under the authority of a fictitious person, "Madame Lucie Robert," for instance. Examples of such fancy names are "pure colourless kalamax," "salith leaves," "stallax," "pheminol," "pergol," "pure bisurated magnesia," "boranium," "karox," "pilenta soap," "jettaline," "allacite of orange blossom," "tennaline," "carmarole," &c. These names are all invented words and should properly be printed with a capital initial letter, the proprietors having the exclusive right to their use as trade names. They are, however, printed in these disguised advertisements without capitals, to deceive the public into the belief that they are not proprietary articles, but are familiar drugs purchasable in small quantities at ordinary prices, whereas, in fact, they are only sold in a considerable quantity at a fancy price. Q. 13243-6. Q. 13237-42. App. No. 11.

#### CHANGES IN NAME OR COMPOSITION OF REMEDIES.

39. It is not uncommon for the composition of a secret remedy to be altered without any change in the name. "Anti-kamnia," as we have said, was acetanilide in America, and is now phenacetin, and "Daisy" powders were similarly changed. "Powell's Balsam of Aniseed" was repeatedly proved in courts of law to contain morphine. It now contains none. The same is true of "Mrs. Winslow's Soothing Syrup." The formula of "Pond's Arthriticus" was said to be altered by the addition of potassium bromide and salicylic acid. The powders in one packet of "Steedman's Powders" varied in weight from 1·9 to 4·5 grains. Sir Joseph Beecham informed us that "Beecham's Cough Pills" at one time contained morphia, as that was considered to be a necessary medicinal ingredient; that when the law compelled the word "Poison" to be put on the wrapper of preparations containing morphia, the morphia was taken out of the pills; then so small a quantity was put in again that it was "comparatively innocuous or perfectly innocuous," and therefore did not need to be labelled "Poison." That is, a potent drug was put in this remedy, taken out, and put in again, without regard to its medicinal effect, but solely because of the legal conditions under which it could or could not be sold. Q. 5679. Q. 2971. Q. 12157. Q. 12169. Q. 12195. Q. 9425. Q. 8983-4. Q. 9422-3.

#### CURE OF SYMPTOMS.

40. We have had occasion to remark upon the possible evil effects of causing the disappearance of a symptom, which may be nature's danger-signal, without affecting in any way the disease which causes it. In this connection we may also point out that remedies offered for the same ailment—a cough, for instance—may affect it for good or for evil according to its nature and cause. The secret remedy naturally takes no account of this. For example, "Owbridge's Lung Tonic" is an expectorant mixture, a mixture to increase coughing, its principal ingredient being ipecacuanha. Whereas "Keating's Cough Lozenges," or "Beecham's Cough Pills," are the opposite kind of remedy, containing opium or morphia, the object being to stop the cough. A man whose chest is full of fluid needs to have his cough facilitated. A man with a varicose vein on his uvula needs to have his useless and exhausting cough stopped. Proprietary medicines make no attempt to distinguish between these two common types. Secret remedies, too, are constantly recommended for different ailments having a superficial Q. 5849.



- Q. 9156-7. resemblance, but medically considered, totally diverse. For example, "Beecham's Cough Pills" are recommended as "a safe and simple remedy" for both asthma and bronchial affections—asthma being a nervous disease, while bronchial affections are inflammation of mucous membranes. These examples, which could be multiplied, illustrate the danger of this kind of ignorant self-medication, upon which medical witnesses laid much emphasis.

#### "CURES" FOR FITS.

- pp. 468-9. 41. Advertisements by private persons offering cures for fits are familiar. With the help of the Chief Constable of Cheshire and the Government Chemist we investigated one of these. The advertisement read: "Fits.—Clergyman offers prescription for 1s. 1d.; never fails.—J. S., Grasmere House, Winsford, Cheshire." Three different sets of initials were used at different times. Application brought a prescription for "koronium bromide," and a recommendation to procure it from "the actual manufacturers, Messrs. Whitby & Co., Chemical Manufacturers, Winsford, Cheshire." This was sold at 4s. 6d. for 4 ounces. We procured some, and—"koronium bromide" being, of course, an invented name—the Government Chemist informed us that it was the well-known drug strontium bromide, often prescribed for epilepsy, and purchasable at rates varying from 2s. to 3s. 8d. a pound. Police inquiries then showed that the advertiser was Harold Cuthbert Whitby, trading in a lock-up shop at Winsford, as "Whitby & Co., Chemists, Opticians and Wine Merchants."

#### THE TRADE IN ABORTIFACIENTS.

- Q. 3839. 42. The trade in abortifacients presents one of the most deplorable aspects of the secret remedy trade. Innumerable remedies for "female irregularities" are advertised. A few of these are poisonous and have caused death, whilst most of them are wholly inactive for the purpose for which they are sold. Indeed, it cannot be too widely realised that no drug is known which can force the womb to expel its contents, and that nothing can endanger the life of an unborn child except by endangering in an equal degree the life of the mother. But a substance of the latter class is unfortunately widely sold and used in certain parts of the country as an abortifacient. This is "diachylon plaster," the *emplastrum plumbi* of the Pharmacopœia, a preparation of lead oleate, containing 28·9 per cent. of oxide of lead, supposed to be a mild astringent for application to inflamed surfaces. One medical witness expressed to us the opinion that for all practical purposes it is perfectly useless. But it is undoubtedly widely taken as a supposed abortifacient in the form of pills like "Mrs. Seegrave's Pills," or merely a bit of the plaster rolled up and swallowed.
- p. 97. Many deaths from the use of this substance for this purpose were reported to us.
- Q. 3850. It can, of course, only produce abortion by producing lead poisoning, from which insanity, blindness, paralysis and death have resulted. The Pharmaceutical Society have for years vainly urged its inclusion in the Schedule of Poisons. The question of the total prohibition of its sale should be considered by the competent authorities.
- Q. 3840. Blackmail is a natural result of the sale of abortifacients. In 1898 two brothers named Chrimes were sentenced to penal servitude for demanding, under threats of exposure, two guineas from women who had purchased their drugs. The police intercepted in a short time no fewer than 600 letters, each containing two guineas.
- Q. 3839. Even simple aperient pills from reputable makers are recommended in language suggesting that they are efficacious for this particular purpose. In the instructions headed "Advice to Females" accompanying "Beecham's Pills," women suffering from
- Q. 3843. "any unusual delay" are recommended to take five pills a day. The proprietor admitted in evidence that the most common cause of such delay is pregnancy.
- Q. 3852.
- Q. 3849.
- Q. 3837.
- Q. 9236.
- Q. 9245.

#### "CURES" FOR CONSUMPTION.

- Q. 5379-82. 43. Amongst fraudulent secret remedies the alleged cures for tuberculosis are perhaps the worst of all. Sufferers from this disease are, as is well known, peculiarly credulous of promises of help, and the "consumption quack" takes skilful and unscrupulous advantage of their pathetic hopes. Many secret remedies for consumption have been put upon the market, usually at high prices. For example, an American firm known as the Derk P. Yonkerman Company advertised for some years a remedy called "Tuberculozyne," Yonkerman himself being a Michigan veterinary surgeon. A month's treatment by this remedy cost £2 10s. The advertisement offered a book entitled "Consumption and how it may be quickly cured," of which the following paragraph is typical:—

"After researches lasting for nearly twenty years, the persistent efforts of Dr.



Derk P. Yonkerman have been crowned with success, for his Tuberculozyne treatment has already been proved in hundreds of cases to be a specific of almost miraculous curative power. Its healing virtues have been demonstrated in not only the early stages of consumption, but in far advanced and seemingly hopeless cases as well."

The inventor announced that he had "discovered certain salts of copper of remarkable therapeutic value. The consumption germs cannot live in the presence of copper, and as the Tuberculozyne treatment introduces copper into the blood the consumption germs cannot live." The remedy was contained in two bottles. Analysis shewed one bottle to contain 18 parts of glycerine, with water and brown sugar, and the other 3·4 parts of potassium bromide, 12 parts of glycerine and a trace of capsicum, the whole coloured by cochineal. The preparation probably originally contained sulphate of copper when it was prepared in America, but we were informed that such was the chemical knowledge of Yonkerman that he sent his mixture to England in iron drums, the whole of the copper being deposited upon the iron during transport. The importation of "Tuberculozyne" into the Australian Commonwealth is prohibited. We would draw attention to the fact that this remedy is one of a peculiarly bad class, which are not advertised in the press or sold through the respectable retail trade, but constitute what is known as "mail order business."

Another well-known "consumption curer" is a man named C. H. Stevens, who Q. 5383. has been denounced in "Truth" for nearly ten years, and against whom an action was brought by a widow in the Basingstoke County Court on July 27th, 1910, to enforce p. 98. payment of a "guarantee bond" containing an undertaking that money paid for the remedy would be refunded if no cure were effected. The Judge found for the widow, refused leave to appeal, and described the transaction as "an intentional and well-considered fraud."

Our attention was called to Stevens by a letter addressed to the Chairman stating pp. 364-5. that the writer had seen in a newspaper a report of our proceedings, that he was suffering from tuberculosis and was taking a patent medicine from a London firm who guaranteed a cure, of the name of C. H. Stevens, of Wimbledon, regarding which he asked the opinion and advice of your Committee. After some correspondence this gentleman consented in the public interest to give evidence before us, but on the condition that his name should not be published. He appears, therefore, in the Report of our Proceedings of July 16th, 1912, under the name of Mr. A. His correspondence with Stevens, which he placed in our hands, was, as might be expected, a series of complaints that he was getting no better but rather worse, with assurances from Stevens that persistence in the use of the remedy would certainly effect a cure. At last Mr. A. requested the return of the five guineas paid, in accordance with Stevens's guarantee, and finally, under the threat of legal proceedings and after Mr. A. had appeared before us, Stevens returned the money. We submitted two bottles of the remedy supplied by Stevens, to the Government Chemist, who gave us the following analysis:—

	Sample first bottle.	Sample last bottle.
	Per cent.	Per cent.
Proof Spirit - - - - -	19·5	19·5
Solid matter - - - - -	2·8	3·4
Mineral substance (ash) - - - - -	0·2	0·2
Glycerol (approximately) - - - - -	10·7	17·8

"No alkaloids or resins were found. The solid matter corresponds with the colouring and extractive substances of an ordinary wine. The samples are therefore essentially mixtures of wine and glycerol." (Glycerol is glycerine.)

It is instructive, as illustrating the credulity of the public, that Mr. A, although an intelligent man, believed that Stevens's lithographed letters were written by Stevens's own hand with reference to his particular case, and that in spite of our efforts to enlighten him, he was obviously still impressed when he left us by Stevens's "challenge" to the Brompton Hospital for Consumptives. This was a request from Stevens to the authorities of the hospital to inoculate him with the worst form of tuberculosis, on the condition that when he cured himself by his own remedies the hospital should adopt his treatment for the cure of consumption. An eminent specialist, Dr. Hector Mackenzie, was good enough to examine and advise Mr. A at our request, without professional charge, and he informed us that in his opinion excavation of the lungs had taken place or extended during the time that Mr. A was taking Stevens's remedies. Stevens was inserting full-page advertisements of his consumption cure in London Q. 5668.



daily papers last year. We may add that Stevens has recently brought an action for libel against the British Medical Association for statements made regarding his remedy in "Secret Remedies." The defendants pleaded justification, and the jury found for the defendants.

#### FICTITIOUS NAMES.

- Q. 10355. 44. It is a common practice of vendors of secret remedies to recommend them by the name of a fictitious person. We have already mentioned "Mother Seigel" and "Madame Lucie Robert." Another example is "Mrs. Johnson's Gripe Relief" with which Mrs. Johnson had nothing to do. Another is "Roulet injection" for gonorrhœa, guaranteed by the facsimile signature of "Dr. Roulet," an imaginary person. Other fictitious names that have come to our notice are "Mademoiselle Florence Gauthier," "Mademoiselle Marcelle Rouvier," "Mildred St. Aubyn," "Mademoiselle Agnes Deprés," "Mademoiselle Marguerite Fournier," and "Dr. Duclaud."
- Q. 8546.
- Q. 12907.

#### PRACTICES OF SECRET REMEDY VENDORS.

- Q. 4084. 45. The most disreputable class of proprietors of secret remedies trade under many aliases. As soon as one name becomes notorious, or when they have exhausted the credulity of the public for one remedy, they assume another name. Thus Crippen, the murderer, "aural surgeon to the Drouet Institute," was also M. Frankel. Elmer Shirley, who is still advertising extensively, has been Keith Harvey, Edward Meyer, the "Sanalak Institute," Marr, and Erasmus Coleman. An American named Skinner was successively Scott, Symond's London Stores, Professor Dana, Professor Pollock, and Horatio Carter. Nelson Lloyd, an Englishman who sold a "fat cure," was in reality an advertising agent named Derry. Two Americans, Virgil P. Neale and Thomas Adkin, were the Cartilage Company, advertising to increase height; as Harriet Meta they sold a "wrinkle eradicator"; as Kathryn B. Firmin, of the Roman Solvene Laboratory, they undertook to remove superfluous hair; and as Everett Wood, they offered to make hair grow on bald heads.
- Q. 4105.
- Q. 5390-1.
- Q. 5405.
- Q. 5415.

- Q. 5368. 46. The wiles of some vendors of secret remedies almost pass belief. Evidence was given to us in private to the effect that an agent of a "kidney cure" went from door to door in the artisan quarters of a northern town, stating that many people were in the first stages of kidney disease without suspecting the fact, but that a sure test was to take a pill which he left with them. If the urine became blue, he explained, that was a proof of kidney disease, which could certainly be cured by taking So-and-so's remedy. The pill contained a blue aniline dye, which of course produced immediately the result mentioned. The widespread alarm caused by this abominable trick may easily be imagined. We were informed that there exist to-day agencies, one in Leeds, which advertises frequently, and one or two in America, selling lists of names of sufferers from various diseases at so much per thousand. That is, a person about to put on the market a "consumption cure" or a "rupture cure," or a "cancer cure," can buy a list of a thousand persons suffering from tuberculosis or rupture or cancer, these lists being the names of people who have at sometime answered advertisements regarding these diseases, and whose names and addresses thus possess a money value.

#### THE MEDICAL PROFESSION AND SECRET REMEDIES.

- Q. 2592. 47. So far as we have been able to discover, no scientific chemist and no qualified medical man, with rare exceptions, is connected with or employed in the manufacture of secret remedies such as those we have placed in class B. And we have failed to find that any new drug, or new discovery of a method of compounding known drugs, has been placed at the service of the public as one of that class of secret remedies.
- Q. 5956.
- Q. 5442-9.
- Q. 11001-10.
- Q. 11789-91.
- Q. 2238.
- Q. 2335-6.
- Q. 8351.
- Q. 11258.
- Q. 11271.
- Q. 11741.
- Q. 11907-9.
- Q. 11925.
- We have learned, however, to our great surprise, that persons of influential social position and small means will sell the use of their names to advertise secret remedies; that large sums of money are expended in canvassing medical men; that many medical men give testimonials (with the use of their medical qualifications but without the use of their names) to proprietary and secret remedies—and allow themselves to be made, as a medical man declared in a public address, "the catspaw and fool of the fraternity of the secret remedy"; and that there are medical men who prescribe to their patients remedies of this class of whose composition they are themselves largely ignorant. We had evidence in two cases of medical men acting as directors of companies manufacturing secret remedies.

#### THE PATENT MEDICINE STAMP AS AN ADVERTISEMENT.

- Q. 3641. 48. We find that the Patent Medicine Stamp is not infrequently used as an advertisement. For example: "Therapion appears on Government Stamp, affixed to



every package by his Majesty's Hon. Commissioners, and without which it is a forgery." And at the head of the booklet sent out by the proprietors of this remedy appears the words: "Protected by His Majesty's Hon. Commissioners," with the Royal Arms. Again: "To prevent spurious imitation of this excellent medicine. On the 24th of May 1839, Her Majesty's Honourable Commissioners of Stamps ordered the name of 'John Steedman, Chemist,' to be engraved on the Government Stamp Q. 9869. affixed to each packet, without which none after that date can be genuine." This was altered three years ago. Again: "To prevent fraud, His Majesty's Commissioners of Inland Revenue have ordered the words 'Lincoln and Midland Counties Drug Company, Lincoln, England,' to be printed in white letters on a red ground on the Government Stamp which is affixed over the cork of each bottle, and to imitate which is a felony. Please note that these words are engraved in the stamp, and Q. 9263. the words 'Clarke's World-Famed Blood Mixture' are blown in the bottle." Again: "Caution. The public are requested to notice that the words 'Beecham's Pills, St. Helens', are engraved on the Government Stamp affixed to every box of pills." Q. 10309. Again: "Mrs. Johnson having disposed of the recipe and property in the American Soothing Syrup to Messrs. Barclay and Sons, begs to refer the Public to the Government Stamp with their name thereon as a security to purchasers." The object of these statements is obviously to cause the purchasers to think that the stamp implies some kind of guarantee of value of the remedy, although in recent years the stamp has borne the words: "This stamp implies no Government guarantee." The Inland Q. 60. Revenue authorities print the vendor's name on the stamp for a consideration of £8.

#### FRAUDULENT APPLIANCES.

49. Much fraud is also successfully practised by the advertisement and sale of appliances as alleged cures for many ailments. Electric belts and pads are a familiar Q. 5421. form of these. Macaura's "Vibrator" was a clumsy method, at an exorbitant price, p. 243. of applying mechanical massage, by which a little good might be done in a few cases and much harm in many cases. Artificial ear-drums of indiarubber, occasionally used by aurists, are sold by manufacturers at 1s. and 2s., but by quacks at from one to two guineas the pair, and often cause positive and serious injury. Appliances alleged to supply oxygen (otherwise than by inspiration), such as the "Oxydonor" and "Oxygenator," are of course deliberate swindles, for the makers cannot be supposed to be as ignorant of chemistry and therapy as their victims.

50. Lest it may be thought that the foregoing examples and remarks place even the worst class of secret remedies in too unfavourable a light, we desire to call attention to a single answer of one witness regarding this trade in general. This was the chief witness put forward by the Proprietary Section of the London Chamber of Commerce on behalf of the trade, Mr. John Charles Umney, managing director of Messrs. Wright, Layman and Umney, Ltd., an important firm of medicine proprietors and manufacturers of proprietary articles. In addition to this position, his personal qualifications include Pharmaceutical Chemist by examination, Fellow of the Chemical Society, Fellow of the Society of Public Analysts, Adviser in Pharmacy to the Local Government Board of Ireland, Technical Referee on Essential Oils to the Imperial Institute, Past President of the Wholesale Druggists' Association, first President of the Proprietary Articles Section of the London Chamber of Commerce, etc. And the question and answer were as follows:—

*Chairman.*] Do you think, in view of your own position and attainments, Q. 7526. and your business in these things, to which I have alluded, as to which you are put forward as a witness on behalf of the whole trade, that so far as a large part of the patent medicine trade is concerned you are a fair representative of it?

*Witness.*] I hope I am not.

52. It will probably now be learned without surprise that witnesses of unquestionable authority have assured us that grave evils, urgently requiring remedy, arise from the present sale and advertisement of secret remedies. We may quote the following as examples. As regards diseases arising from sexual intercourse, Dr. Reginald Edward Cross, M.R.C.S., L.R.C.P.: "A very grave and widespread evil, urgently Q. 4078-9. demanding legislative action." As regards aural diseases, Mr. P. Macleod Yearsley, Q. 4094-5. F.R.C.S.: "A widespread and grave evil, which I most decidedly believe requires legislative treatment." Regarding dangerous drugs, Professor A. R. Cushny, M.D., Q. 5824. F.R.S., Professor of Pharmacology at University College: "There is urgent need of new legislation." As regards diseases of the skin, Dr. Arthur Whitfield, M.D., F.R.C.P.,



- Physician to the Skin Department, and Professor of Dermatology in King's College Hospital: "The harm done is appalling. . . . There is an urgent demand for legislation." As regards the sale of proprietary and secret remedies in general, Professor Walter Ernest Dixon, M.D., B.Sc., F.R.S.: "The existing law is greatly in need of amendment in the public interest." And on the general question, a witness of a wholly different character, Mr. G. Sidney Paternoster, assistant editor of "Truth," who gave us interesting and valuable evidence from the experience of that journal in pursuing for many years the vendors of fraudulent secret remedies: "There is an enormous evil, which calls for alteration of the law to meet it. . . . There is absolutely no question about it, the public is defrauded of millions in the course of a year, and purely by false statements."

#### REQUIREMENTS OF AUSTRALIAN LAW.

52. We have already spoken (*see* Par. 6 (1)) of the law of the Commonwealth of Australia, as it affects the importation of proprietary and secret remedies. Some striking instances of the requirements of this law came before us in evidence, of which the following will be sufficiently illustrative.

- Q. 9897. The omission of this statement was required from the circular accompanying "Steedman's Soothing Powders":—

"Thus the commencement of hydrocephalus, tabes, mesenterica, rickets, and other morbid affections may not infrequently be traced to the period of teething." The same firm was required to print in capital letters on the label:

Q. 9903.

"One powder only and no more."

And they were also required to state on the label:

Q. 9883.

"The contents of this package include 27 per cent. of calomel."

Q. 9386.

In the circular accompanying "Beecham's Pills," when reference is made to kidney troubles, for the statement:

"Beecham's Pills will probably be the only medicine required to achieve the desired result."

The following was required to be substituted:—

Q. 9394.

"and no other aperient medicine is likely to be required than Beecham's Pills."

Q. 9027.

And the same proprietor was required to omit the statement regarding "Beecham's Cough Pills." "The cough pills do not contain any injurious ingredient," and the whole of the passage sent out with "Beecham's Pills" regarding "Secret Maladies."

On the label of "Woodward's Gripe Water" this statement occurs:—

"Celebrated Gripe Water, or Infants' Preservative, for the disorders of children, viz.:—convulsions, gripes, acidity, flatulency, whooping cough, and the distressing complaints incidental to children cutting their teeth, allaying the pain, giving instant relief, and rendering this crisis perfectly mild and free from danger."

This was required to be reduced to the following:—

"For the relief of the simple and familiar ailments of infants and young children, especially during the period of teething."

Q. 985-

1031. The following sentences and names are examples of what under the Commonwealth law are regarded as "false trade descriptions," and are therefore prohibited:—

"Will cure any case of scrofula."

"Will prevent the return of cancer."

"An unparalleled remedy."

"It never fails."

"Surpasses anything ever discovered."

"The safest remedy in diphtheria."

"For all kinds of fevers."

"Cures any old disease lurking about the system."

Q. 13897.

"There is nothing in the world so good for you as—."

Q. 13902.

"Lightning Cough Cure."

"Skin Food."

Q. 1042.

Synthetic preparations bearing names indicating or suggesting a natural origin or base must have the word "artificial" added. For example, "Balm of Figs," "Fruit Pills," and "Sugar of Milk Pilules."

Q. 822.

Fanciful names, like "August Flower," "Dutch Drops," "Orange Blossom,"



"Asiatic Drops," are not accepted unless supplemented by a description of the nature of the preparation or the maladies it is intended to cure.

Certain drugs, if present in a medicine, must be mentioned on the label and the Q. 828. quantity specified. These are such as the bromides, iodides, chloral, cantharides, phenacetin, etc.

The importation of articles and remedies may be totally prohibited. Among these Q. 853. has been the "Oxygenator," the "Oxydonor," and "Tuberculozyne."

Finally, "trailer" advertisements—that is, printed matter enclosed with one Q. 13874, 7. remedy and recommending another; advertisements recommending the regular use of Q. 13903. a remedy, as for instance, "One of our pills taken twice a week will maintain you in regular functional activity;" and invitations to correspond, are forbidden. Q. 13902.

The foregoing examples will suffice to show how the Commonwealth authorities carry out their aim, namely, "the application of common sense and common medical Q. 13988. knowledge, with a view to the protection of the necessarily more or less ignorant public."

#### "EXHIBITION OF FORMULA."

53. It has been strongly urged upon us, chiefly by witnesses representing the medical profession, that every remedy sold should by law be compelled to bear a label stating its exact composition. This is what is meant by "exhibition of formula," and witnesses advocating it came to us convinced that this simple change in the law would secure adequate protection of the public against injury and fraud. We have given long and careful consideration to this proposal, and we find ourselves unable to recommend it. In the first place it would beyond question inflict a grave hardship, sometimes amounting to ruin, upon proprietors of secret remedies, or the loss of their investments upon shareholders in limited companies. Any long established remedy in the lawful advertising and sale of which very large sums have been spent, would immediately be faced upon the market by a score of preparations advertised as made from the same formula and sold at a much lower price. An example was given to us Q. 11686, 7. of a remedy the proprietary rights of which were immediately destroyed by disclosure of its formula. The above would not, we are aware, be a conclusive argument against this proposal if its adoption would really protect the public against danger and fraud. We are convinced, however, that such would not be the case. Any benefit resulting from exhibition of formula must obviously depend for its efficacy upon the intelligence and education of the intending purchaser. It could not in any other way afford protection to the purchaser or restrict the operations of the vendor, though incidentally it would enable a retail chemist to offer the same drug or mixture, made up by himself, at a lower price. But to a large majority of purchasers a statement of composition or contents on the label would afford no information whatever. The disclosure that a remedy contains or consists of "acetyl-salicylic acid," or "hexamethylene-tetramine," or "phenolphthalein," or "taka-diastase," or "emplatrum plumbi," or even "acetanilide" or "potassium iodide," would be meaningless to most people; indeed, the simplest substances might acquire distinction from being described in technical chemical language—soap, for instance, a large ingredient of the most popular aperient pills, posing as "sodium oleate and stearate." And if it be rejoined that the popular name should be required to be given, the answer is obvious that many of the most important drugs, such as most of those mentioned above, have no popular name. Further, an accurate statement of contents might be in itself misleading. For example, if "Phosferine" were stated to contain Q. 5886 phosphoric acid, almost every purchaser would believe that he was getting assimilable phosphorus. The question also naturally arises whether the purchaser of a penny powder or a 1s. 1½d. bottle should protect himself against injury or fraud, or whether the State should not protect him, as it does against other injuries and frauds. For these reasons exhibition of formula (except in the case of alcohol, poisons, and certain dangerous drugs) does not appear to us to be a proper, practical or effective measure.

#### SUGGESTED AMENDMENTS OF EXISTING LAW.

54. It has further been suggested to us, and counsel's opinion in support of the suggestion has been laid before us, that existing laws might be so amended as to afford all necessary protection to the public. For example, the advertisement of goods might by an amendment of the Merchandise Marks Act, be deemed to be the application of a trade description to such goods. A false advertisement would then become an offence under this Act. Again, in the Sale of Foods and Drugs Act the specific



- omission of patent and proprietary remedies might be deleted, thus making, under Section 20, the label a warranty, and therefore the wilful use of a false label an offence. These amendments would be of some value, but the question of what is a "warranty" is a difficult one in law, and has been subject to numerous decisions of the Courts. In the worst cases, too, a man might have finished his advertising campaign, "cleaned up" his profits, and left the country before the warranty could be enforced. Further, the suggested amendment of the Sale of Food and Drugs Act would be useless without exhibition of formula, and we have already given reasons for regarding that proposal as inadmissible. We are therefore of opinion that amendment of existing laws, involving complicated legislation by reference, would not afford adequate and available protection. If a change in the law is required, it must be new legislation *ad hoc*. We remitted this important question for further examination to Mr. Guy Stephenson, Assistant-Director of Public Prosecutions, whose evidence upon this and cognate legal matters has been of the greatest value to us. In the above conclusion we concur with the view he expressed to us after careful reconsideration. The Indecent Advertisements Act, however, urgently requires amendment, and a satisfactory amending Bill was introduced into the House of Lords by the Lord Braye and read a second time on July 12, 1910.
- Q. 13688, 9.  
Q. 13707.  
Q. 13674.  
Q. 5674.  
Q. 13400-2.  
Q. 13696.  
Q. 13694-6.

## FINDINGS.

55. After careful consideration of the evidence laid before them your Committee find:—

(1) That there is a large and increasing sale in this country of patent and proprietary remedies and appliances and of medicated wines.

(2) That these remedies are of a widely differing characters, comprising (a) genuine scientific preparations; (b) unobjectionable remedies for simple ailments; and (c) many secret remedies making grossly exaggerated claims of efficacy; causing injury by leading sick persons to delay in securing medical treatment; containing in disguise large proportions of alcohol; sold for improper purposes; professing to cure diseases incurable by medication; or essentially and deliberately fraudulent.

(3) That this last-mentioned class (c) of remedies contains none which spring from therapeutical or medical knowledge, but that they are put upon the market by ignorant persons, and in many cases by cunning swindlers who exploit for their own profit the apparently invincible credulity of the public.

(4) That this constitutes a grave and widespread public evil.

Q. 5531. (5) That in British Dominions and foreign countries severe legal restrictions exist, and that there is a tendency still further to strengthen the law against these articles.

(6) That no Department of State and no public officer is charged with the duty of controlling the sale and advertisement of proprietary remedies in this country; that the Home Office and the Local Government Board are virtually powerless in this respect; that the Privy Council Office, though supposed to be specially concerned with the sale of drugs, has no initiative in the matter, and in fact, it fulfils no useful function in this connection.

(7) That the existing law is chaotic and has proved inoperative, and that successful prosecution for fraud in the advertisement and sale of secret remedies is fraught with the greatest difficulty, though the Public Prosecutor has perhaps not sufficiently tested the powers of the existing law in respect to such cases.

(8) That consequently the traffic in secret remedies, except as regards scheduled poisons and the grosser forms of impropriety, is practically uncontrolled in this country.

(9) That this is an intolerable state of things, and that new legislation to deal with it, rather than merely the amendment of existing laws, is urgently needed in the public interest.

Q. 3646 seq. (10) That grave injury is caused to the public by the existing large sale of medicated wines.

(11) And that while, for reasons already given, it is not desirable to require the exhibition of formula of every secret remedy, nevertheless it is improper that under the protection of the law enormous quantities of alleged remedies should be sold the composition of which is unknown to any person except the manufacturers of them; and that therefore the formulæ of all secret remedies should be required to be communicated to a competent officer appointed under the authority of a



Minister of State, but that such formulæ should not be divulged to any other person except as hereinafter recommended.

#### RECOMMENDATIONS.

56. Your Committee therefore recommend :—

(1) That the administration of the law governing the advertisement and sale of patent, secret and proprietary medicines and appliances be coördinated and combined under the authority of one Department of State.

(2) That this administration be part of the functions of the Ministry of Public Health when such a Department is created, and that in the meanwhile it be undertaken by the Local Government Board.

(3) That a competent officer be appointed to this Department, with the duty of advising the Minister at the head of the Department concerned regarding the enforcement of the law in respect of these remedies.

(5) That there be established at the Department concerned a register of manufacturers, proprietors and importers of patent, secret and proprietary remedies, and that every such person be required to apply for a certificate of registration and to furnish (a) the principal address of the responsible manufacturer or representative in this country, and (b) a list of the medicine or medicines proposed to be made or imported.

(6) That an exact and complete statement of the ingredients and the proportions of the same of every patent, secret and proprietary remedy; of the contents other than wine, and the alcoholic strength of every medicated wine, and a full statement of the therapeutic claims made or to be made; and a specimen of every appliance for the cure of ailments other than recognised surgical appliances, be furnished to this Department, such information not to be disclosed except as hereinafter recommended, the Department to control such statement, at their discretion, by analyses made confidentially by the Government Chemist.

(7) That a special Court or Commission be constituted with power to permit or to prohibit in the public interest, or on the ground of non-compliance with the law, the sale and advertisement of any patent, secret or proprietary remedy, or appliance, and that the commission appointed for the purpose be a judicial authority such as a Metropolitan Police Magistrate sitting with two assessors, one appointed by the Department, and the other by some such body as the London Chamber of Commerce.

(8) That the President of the Local Government Board (or Minister of Health) have power to institute the necessary proceedings to enforce compliance with the law, the sale and advertisement of any patent, secret or proprietary remedy, or appliance.

(9) That a registration number be assigned to every remedy permitted to be sold, and that every bottle or package of it be required to bear the imprint "R.N. . ." (with the number), and that no other words referring to the registration be permitted.

(10) That in the case of a remedy the sale of which is prohibited, the proprietor or manufacturer be entitled to appeal to the High Court against the prohibition.

(11) That the Department be empowered to require the name and proportion of any poisonous or potent drug forming an ingredient of any remedy to be exhibited upon the label.

(12) That inspectors be placed at the disposal of the Department to examine advertisements and observe the sale of proprietary remedies and appliances.

(13) That an annual fee be payable in respect of every registration number issued.

57. Your Committee make the following recommendations regarding the amendment of existing laws :—

(1) That the Stamp Acts be consolidated and amended to remove the numerous existing anomalies and unreasonable exceptions. In this connection, pure drugs vended entire under a fancy name should no longer be exempt from duty; the distinction between the name of an ailment, and the name of an organ the seat of that ailment, should be abandoned; and the exemption of medicines generating carbonic acid gas should be omitted (*see* Par. 16). Further, any reference in advertising matter to the Government stamp should be prohibited, and no name of a proprietor or firm should be printed upon the stamp.



(2) That the Indecent Advertisements Act be amended on the lines of Lord Bray's Bill.

58. Your Committee further recommend the following legislative enactments :—

(1) That every medicated wine, and every proprietary remedy containing more alcohol than that required for pharmacological purposes, be required to state upon the label the proportion of alcohol contained in it.

(2) That the advertisement and sale (except the sale by a doctor's order) of medicines purporting to cure the following diseases be prohibited :—

cancer	diabetes	locomotor ataxy
consumption	paralysis	Bright's disease
lupus	fits	rupture (without operation
deafness	epilepsy	or appliance).

(3) That all advertisements of remedies for diseases arising from sexual intercourse or referring to sexual weakness be prohibited.

(4) That all advertisements likely to suggest that a medicine is an abortifacient be prohibited.

(5) That it be a breach of the law to change the composition of a remedy without informing the Department of the proposed change.

(6) That fancy names for recognised drugs be subject to regulation.

(7) That the period of validity of a name used as a trade mark for a drug be limited, as in the case of patents and copyrights.

(8) That it be a breach of the law to give a false trade description of any remedy, and that the following be a definition of a false trade description :—"A statement, design or device regarding any article or preparation, or the drugs or ingredients, or substances contained therein, or the curative or therapeutic effect thereof, which is false or misleading in any particular." And that the onus of proof that he had reasonable ground for belief in the truth of any statement by him regarding a remedy, be placed upon the manufacturer or proprietor of such remedy.

(9) That it be a breach of the law—

(a) To enclose with one remedy printed matter recommending another remedy.

(b) To invite sufferers from any ailment to correspond with the vendor of a remedy.

(c) To make use of the name of a fictitious person in connection with a remedy. (But it should be within the power of the Department to permit the exemption of an old-established remedy from this provision.)

(d) To make use of fictitious testimonials.

(e) To publish a recommendation of a secret remedy by a medical practitioner unless his or her full name, qualifications and address be given.

(f) To promise to return money paid if a cure is not effected.

59. In conclusion, your Committee believe that departmental and legislative action as outlined above will not inflict injustice upon any patent or proprietary medicine or appliance; that it will, alike by its operative and its deterrent effect, afford the public efficient and urgently needed protection against injury and fraud; and that no measures of a smaller scope will secure this result.

60. We desire to express our high appreciation of the services of our clerk, Mr. F. C. Bramwell. His duties in connection with our long enquiry have been onerous and delicate, and he has discharged them with great ability and tact.